



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

December 19, 2013

REQUESTS:

- City Council Bill #13-0270/Rezoning – Certain Properties – New East Baltimore Community
- City Council Bill #13-0271/Planned Unit Development – Amendment 2 – New East Baltimore Community

RECOMMENDATIONS:

- City Council Bill #13-0270 (Rezoning): Approval
- City Council Bill #13-0271 (Planned Unit Development): Amendment and approval
 - On p. 2, lines 14-18 (Section 3), revise dates of all listed Development Plan sheets to November 20, 2013.
 - On p. 2, line 19, insert a new Section 4 as follows:
SECTION 4. AND BE IT FURTHER ORDAINED, That Section 5 of Ordinance 05-160 is hereby amended as follows:
SECTION 5. AND BE IT FURTHER ORDAINED, That the following uses are permitted in Section C of the Development Plan, subject to the following limitations:
(D) ON DEVELOPMENT SITE 22, A PARKING GARAGE OR INTERIM SURFACE PARKING LOT IS PERMITTED. IN THE CASE OF AN INTERIM SURFACE PARKING LOT, THAT PARKING LOT SHALL ONLY BE PERMITTED TO REMAIN IN USE WITHOUT A FULL SCREENING AND LANDSCAPING TREATMENT FOR A PERIOD OF 36 MONTHS (FROM DATE OF BUILDING PERMIT ISSUANCE). AFTER 36 MONTHS, IF NO BUILDING PERMIT HAS BEEN ISSUED FOR THE CONSTRUCTION OF A PARKING GARAGE, THEN THE DEVELOPER MUST RETURN TO PLANNING COMMISSION FOR FINAL DESIGN APPROVAL OF THE INTERIM SURFACE PARKING LOT. FINAL DESIGN OF THE INTERIM PARKING LOT SHALL INCLUDE SCREENING AND LANDSCAPING.
 - Renumber subsequent sections accordingly.

STAFF: Tamara Woods

PETITIONER: Forest City/New East Baltimore Partnership (FC/NEBP)

OWNERS: Same

SITE/GENERAL AREA

Site Conditions: The approved New East Baltimore Community PUD area is bounded by East Chase Street to the north, East Madison Street to the south, and roughly by North Washington Street to the east and North Broadway to the west. The total site area is 33.98 acres.

General Area: The general project area lies at the convergence of several distinct neighborhoods that are also Urban Renewal Areas in the central portion of East Baltimore. Those are the Middle East, Johnston Square, Broadway East, Oliver, and Gay Street I Urban Renewal Areas. Though predominantly Residential (either R-7 or R-8), there are also smaller areas of Office-Residential, Commercial, and Industrial zoning. With the exception of Johnston Square, all of the neighborhoods or portions thereof, are in the Historic East Baltimore Community Action Coalition (HEBCAC) Village Center of the Eastside Empowerment Zone. Institutional and public facilities in the area include several elementary schools, Broadway Court Elderly Housing, the John Hopkins Drug Treatment Facility, One Stop Career Center, East Baltimore Medical Center, and Collington Square and Oliver Recreation Centers. The project is located within the Middle East Urban Renewal Plan area.

CONFORMITY TO PLANS

The proposed development plan is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: EARN Goal 1, Objective 2: Retain and attract business in bioscience and Objective 6: Retain and attract business in healthcare and social assistance.

HISTORY

- Ordinance #1202, approved November 30, 1979, established the Middle East Urban Renewal Plan.
- On August 12, 2004, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part I).
- On June 2, 2005, members of the Planning Commission granted Final Design Approval to the first Life Sciences building to be constructed at 855 N. Wolfe Street.
- Ordinance #05-124, approved by the Mayor and City Council on September 26, 2005, was the last amendment to the Middle East Urban Renewal Plan.
- Ordinance #05-159, approved by the Mayor and City Council on October 26, 2005, rezoned multiple properties in the project area from the B-2-3 zoning district to the R-8 zoning district.
- Ordinance #05-160, approved by the Mayor and City Council on October 26, 2005, established the New East Baltimore Community Planned Unit Development.
- On December 1, 2005, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part II.)
- On March 23, 2006, the Planning Commission approved the Final Subdivision and Development Plan for the R2 and R3 residential buildings.
- On August 10, 2006, the Planning Commission approved the Final Design for a temporary surface parking lot adjacent to the R2 and R3 residential buildings.
- On August 9, 2007, the Planning Commission approved a Minor Amendment for the primary residential area north of Eager Street and a Final Design Approval for the R1 development parcels.

- On December 20, 2007, the Planning Commission approved the Final Subdivision and Development Plan for the residential area north of Eager Street
- On April 3, 2008, the Planning Commission approved the Final Design for multiple blocks comprising Pennrose's Phase I area.
- On April 15, 2010, the Planning Commission approved the Final Design for the R9/R10 Graduate Student High Rise.
- On November 18, 2010, the Planning Commission approved the Final Subdivision and Preliminary Development Plan for 1746 Ashland Avenue.
- Ordinance #11-417, approved by the Mayor and City Council on February 10, 2011, rezoned 1746 Ashland Avenue from R-8 to B-2-3.
- Ordinance #11-418, approved by the Mayor and City Council on February 10, 2011, was Amendment #1 to the New East Baltimore Community PUD.
- On March 24, 2011, the Planning Commission approved a Minor Amendment and Final Design for the Maryland Public Health Laboratory.
- On June 16, 2011, the Planning Commission approved a Minor Amendment and Final Design Approval for the P1 Parking Garage.

ANALYSIS

The New East Baltimore Community is a mixed-use project consisting of residential, retail, and office uses established under a Planned Unit Development (PUD), which was enacted as City Council Ordinance No. 05-160 and amended by Ordinance No 11-418. Forest City/New East Baltimore Partnership (FC/NEBP – “the developer”) is proposing to amend the PUD in order to modify its boundaries, to modify the permitted height limits in certain areas of the PUD, to modify the parking requirements for certain uses, and to simplify the overall Development Plan. In addition, the developer is seeking to rezone multiple properties in order to develop them in accordance with the PUD, which serves as the master development plan for the site. City Council Bills #13-0270 and 0271 are the required legislation to implement those changes.

The following are more specific bill provisions:

City Council Bill #13-0270 (Rezoning)

1. Proposes rezoning of the block bounded by E. Chase Street to the north, E. Eager Street to the south, Rutland Avenue to the east, and McDonough Street to the west from the R-7 zoning district to the R-8 zoning district;
2. Proposes rezoning of the area bounded by E. Chase Street and an alley north of E. Eager Street to the north, E. Eager Street to the south, N. Wolfe and N. Washington Streets to the east, and Rutland Avenue to the west from the R-8 zoning district to the R-10 zoning district;
3. Proposes rezoning the area roughly bounded by E. Eager Street to the north, Ashland Avenue to the south, N. Chester Street to the east, and N. Washington Street to the west from the R-8 zoning district to the B-2-3 zoning district; and
4. Proposes rezoning a small portion of the block listed above from the B-3-2 zoning district to the B-2-3 zoning district.

City Council Bill #13-0271 (PUD Amendment #2)

1. Proposes a boundary change adding properties to the overall PUD area.

- The new area being included in the PUD is the block bounded by E. Eager Street to the north, Ashland Avenue to the south, N. Chester Street to the east, and N. Washington Street to the west.
 - Also being added are a number of properties on the north side of E. Eager Street.
2. Proposes a new system of parcel identification.
 - The previous Development Plan employed a system of parcel identifiers that referred to sites by their intended development program (R for residential, O for office, B for commercial, P for parking, and L for life sciences).
 - That system has been replaced by a sequential numbering system consisting of development sites 1 through 33.
 3. Proposes the newly envisioned Eager Park.
 - This is a multi-block linear park oriented in a north-south fashion on the west side of N. Wolfe Street.
 - This park increases the amount of public green space beyond what was previously approved and known as “Ashland Commons” at the time.
 - Within Eager Park are permitted some temporary and/or permanent structures of a limited nature, such as (but not limited to): food and beverage vendor kiosks, farmers’ market stands, band shells, and gazebos.
 - Any structure proposed would be subject to future Planning Commission Final Design Approval.
 4. Proposes changes to maximum allowable height limits.
 - Sections A and B of the PUD (extending from E. Madison Street to Eager Street) are proposed at a maximum height of 150’, except that residential and hotel uses are permitted additional height, subject to Planning Commission Final Design Approval. There is one other exception for the already-constructed graduate student high rise building, which went through design approvals and has a height of 200’ for a portion of the building.
 - Section C of the PUD (extending from Eager Street to Chase Street) has two basic height controls. Parcels 24, 25, 26, and 31 (the partial block west of Eager Park and a partial block on the north side of Eager Street) are permitted a maximum height governed by a Floor Area Ratio of 6.0, in accordance with their proposed R-10 zoning. The remaining parcels within Section C are controlled by a height limit of 45’ for row homes and 65’ for multi-family development.
 - Note that there is a proposed addition of a third height category within Section C of the PUD for a garage use, and this will be detailed in the Amendment section at the end of this report.
 5. Modifies the approved Forest Conservation Master Plan
 - This is needed because the addition of land area to the PUD boundary triggers an afforestation requirement of 59 trees.
 - Additionally 210 caliper inches of tree planting (70 3”-caliper trees) is required for replacement of existing street trees within the expanded PUD footprint.

As part of its review of the request, the master plan process, re-zoning standards and TransForm Baltimore recommendations were considered.

Master Plan Review Process

The original master plan approved via ordinance has undergone a re-envisioning that takes into account several years of “lessons learned” as well as some big moves in terms of physical site development. The major proposed changes, promoting an overall “wellness” theme, are as follows:

- The creation of a 6 acre north/south linear park (Eager Park) as the main urban gesture and community heart extending from Ashland Avenue to Biddle Street (note that the master plan area is larger than the PUD area, so the area of Eager Park requested for approval via City Council Bill #13-0271 is smaller in size by a one block span);
- The reinforcement of Ashland Avenue as the main east-west commercial/mixed-use Street and Eager Street serving as the primary east-west residential corridor;
- Construction of a 150-200 room “Gateway Hotel” to anchor the southern end of the park, also featuring retail and restaurant uses (the site was previously proposed as an laboratory/research building intended for biotech tenants);
- Rethinking the large footprints of the earlier proposed laboratory/research buildings to provide for more and smaller buildings to respond to a more diverse market;
- Reevaluating the housing plan with particular focus on providing a stronger and diverse community for the proposed new neighborhood school;
- Devising a diversified retail strategy with both immediate and long range implementation plans.

The changes noted above have been through extensive community review and outreach, as led by the development team. Additionally, the newly envisioned master plan has been through formal design review with the Department of Planning, beginning as early as 2011 with introduction to the Urban Design and Architectural Review Panel (UDARP). Final approval of the revised master plan was granted by UDARP on January 24, 2013.

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. The plan – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. But Section B.1.h (“PUD Standards and Controls”) of the Middle East Urban Renewal Plan refers to the development of the “East Baltimore Development Project Area” and requires the preparation of a comprehensive plan of development that is approved through a process that has substantial community involvement. The New East Baltimore Community PUD is the comprehensive master plan that fulfills those requirements.
2. The needs of Baltimore City- The proposed R-8, R-10 and B-2-3 zoning districts support the City’s master plan to strengthen neighborhoods and to grow our Bio-science and business services sectors.
3. The needs of the particular neighborhood in the vicinity of the proposed changes- The proposed R-8, R-10 and B-2-3 zoning districts also support the specific neighborhood needs to provide for a variety of housing and employment options in the area by implementing a long-term vision of creating a mixed-use neighborhood that allows

people to live, work and play in the same neighborhood while expanding the housing choices and employment opportunities.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. Population change- The Middle East neighborhood has experienced at 58% population loss between the 2000 and 2010 Census. This is in part due to the implementation of the New East Baltimore Community master plan. The proposed redevelopment in the master plan and reconfiguration of the land, new land uses and higher density proposed are designed to increase the future population of the area.
2. Availability of public facilities- The property is well served by City services, with no expected impacts as a result of rezoning.
3. Present and future transportation problems- There are currently no transportation problems in the area. The exact future impact is not known at this time, but the proposed re-zonings are all along major thoroughfares and appropriate mitigation would be handled at the time of future development.
4. Compatibility with existing and proposed development for the area- The re-zoning proposal is consistent with the Final approval of the revised master plan which was granted by UDARP on January 24, 2013 and with the TransForm Baltimore recommendations.
5. Recommendations of the Baltimore City Planning Commission and the BMZA- For the above reasons, the Planning Department will recommend amendment of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. Relationship of the proposed amendment to Baltimore City's plan- As mentioned above, the proposed zoning changes are compatible with the existing zoning plan of the City, and the New East Baltimore Community Master Plan, which was approved by the Urban Design and Architectural Review Panel (UDARP).

The City Council may grant the amendment to change the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the neighborhood is undergoing substantial change in character that is a reflection of the revised master plan.

TransForm Baltimore

The TransForm zoning recommendations and this proposed re-zoning bill are the result of coordinated efforts between the development team and the City of Baltimore Department of Planning. The proposed re-zoning bill is based on the City of Baltimore Department of Planning TransForm Baltimore zoning recommendations for the New East Baltimore Community that could be implemented in advance of the adoption of TransForm Baltimore.

Amendments Needed

Since City Council Bill #13-0271 was introduced (PUD Amendment #2), the developer has expressed a desire to add a new permitted use within Section C of the PUD. The use would be either an interim surface parking lot or a multi-level parking garage on development parcel 22. The parking would serve multi-family residential components of the project proposed for

development parcels 25 and 26. The alternative would be for parking for those parcels to be constructed on the lower floors of the buildings with residential space on the upper floors above. However, this means there would be several floors of non-occupied and non-“active” space fronting directly onto Eager Park. So providing parking for those uses elsewhere nearby is a positive move. Moreover, the site selected for the parking is internal to a block and will be surrounded wholly by residential development. So it will not have a significant visual impact on surrounding streets. However, the selected site (parcel 22) is proposed for R-8 zoning, in which parking as a principal use is not permitted outright. As such, a number of amendments are needed to accommodate the use:

- A text amendment is needed to the bill to permit a parking garage or an interim surface parking lot. Staff had concern about the likelihood that an interim surface lot would be developed and would end up remaining for a longer period than anticipated before the permanent garage could be constructed. So staff is proposing additional language to require full landscaping of the parking lot, should it remain for longer than a period of 36 months (from the date of permit issuance).
- The accompanying Development Plan has been updated to reflect the use. Those plans are dated November 20, 2013, and a text amendment is needed to update Section 3 of the bill, which references an accompanying Development Plan dated September 10, 2013.

Notifications:

In advance of a hearing on this matter, staff notified the following community groups: Northeast Market Merchants Association, Reclaiming our Community, Citizens Communication Coalition, Broadway Development Foundation, Madison East End Neighborhood Improvement Association, Madison East End Improvement Association, Inc., Monument Street Merchants Association, Monument Street Renaissance, Milton-Montford Improvement Association, Inc., Faith Lane Community Association, Washington-Wolfe Gateway Community Association, McElderry Park Community Association, C.A.R.E., Save Middle East Action Committee, and Historic East Baltimore Community Action Coalition, Inc.



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